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09/131,051	08/07/1998	DWIGHT D. JAMIESON	NTL-3.2.035/	7277

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EXAMINER

FIELDS, KENNETH WAYNE

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/131,051**

Applicant(s)  
**Jamieson et al**

Examiner  
**Kenneth Fields**

Art Unit  
**2153**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jan 24, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above, claim(s) 11-14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 11 20) ☐ Other:

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## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it has more than one paragraph.

Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-4, 7-10 and 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Rekhter et al (US 6,339,595).

As set forth in claims 1 and 7, Rekhter et al discloses a virtual private network (see figs. 1 and 7) which enables private communications over a shared MPLS network (col. 34, line 40 - col. 35, line 32), between at least two private networks comprising: a first router (Fig. 1, router CE1) coupled to the shared MPLS network and configured to dynamically distribute first router VPN information (VPN ID) across the shared MPLS network, wherein the first router VPN information includes a VPN identifier which is assigned to said first router (internal VPN ID for

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VPN V when communicating within VPN V); a second router (figure 1, router CE2) coupled to the shared MPLS network and configured to dynamically distribute second router VPN information (VPN ID) across the shared MPLS network; wherein said second router VPN information includes a VPN identifier which is assigned to said second router (internal VPN ID for VPN V when communicating within VPN V); wherein said first and second routers are configured to establish a plurality of label switched paths therebetween (figs. 1 and 7; col. 6, line 17 - col. 7, line 22; col. 34, line 40 - col. 35, line 32); and wherein said VPN identifier assigned to said first router (CE1) is the same as said VPN identifier assigned to said second router (CE2; both CE1 and CE2 will have the same internal VPN ID as both are routers of the VPN V network, see Figures 1 and 7).

As set forth in claims 2, 3, 8 and 9, Rekhter discloses a first private network adaption device which is selectively coupled to the first router and a second private network device which is selectively coupled to the second router, wherein the private network adaptation devices may communicate with one another. A private network adaptation device is interpreted to be the device coupled internally to the routers CE1 and CE2 which runs an IGP (interior gateway protocol). Examples of such protocols are OSPF and BGP (see col. 11, lines 18-33; col. 12 line 38 - col. 13, line 33).

As set forth in claims 4 and 10, Rekhter discloses a core label switched router (router PER or PER) coupled between the first (CE1) and second (CE2) routers.

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As set forth in claims 15 and 16, Reckhter discloses a virtual private network wherein the first and second router employ label stacking to establish at least one of said label switched paths (col. 34, line 40 - col. 35, line 32).

As set forth in claims 17 and 18, Reckhter discloses a virtual private network wherein the first and second router employ best hop routing to establish at least one of said label switched paths (col. 8, line 56 - col. 9, line 22).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reckhter et al (US 6,339,595)

Regarding claims 5 and 6, Reckhter discloses a virtual private network which enables communications over a shared MPLS network but is silent regarding label switched paths which comprise multi point-to-point paths or multi point-to-multi point paths. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the network communication system as disclosed by Reckhter with multiple multi point-to-point paths as well as multi point-to-multi point paths, thereby providing the communication system of

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Rekhter with the ability to transfer data packets utilizing unicast as well as multicast transmissions.

*Response to Arguments*

6. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

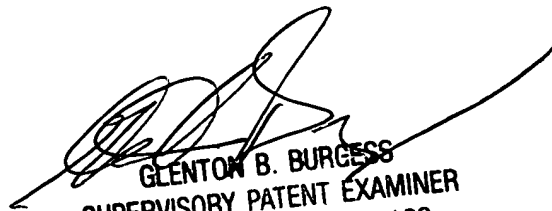
*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Fields whose telephone number is (703) 308-4954.

The fax phone number for this art unit is (703) 305-7201. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the technology center receptionist whose telephone number is (703) 305-3900.

KF

Kenneth Fields  
April 5, 2002

  
GLENTON B. BURGESS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100